

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**BANK OF AMERICA, As Trustee For
The Millard Deck Estate,**

Plaintiff,

vs.

No. CIV-08-1138 MCA/RHS

**APACHE CORPORATION,
BP AMERICA PRODUCTION COMPANY,
CHESAPEAKE OPERATING, INC.,
CHEVRON U.S.A. INC., EXXONMOBIL
CORPORATION, JOHN H. HENDRIX
CORPORATION, RICE OPERATING
COMPANY and TEXACO EXPLORATION
AND PRODUCTION, INC.,**

Defendants.

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Bank of America, as Trustee for the Millard Deck Estate, hereby dismisses this action, with prejudice, against Defendants Apache Corporation, BP America Production Company, Chesapeake Operating, Inc., Chevron U.S.A. Inc., John H. Hendrix Corporation, Rice Operating Company, and Texaco Exploration and Production Inc. Each party shall bear its own costs and attorneys' fees.

Respectfully submitted,

HEARD, ROBINS, CLOUD, & BLACK, L.L.P.



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